



General Assembly

January Session, 2005

Raised Bill No. 6851

LCO No. 3975

03975_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE DUTIES OF A CONSERVATOR WHO
PLACES A WARD IN AN INSTITUTION FOR LONG-TERM CARE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-656 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) The conservator of the person shall have: (1) The duty and
4 responsibility for the general custody of the respondent; (2) the power
5 to establish his or her place of abode within the state; (3) the power to
6 give consent for his or her medical or other professional care, counsel,
7 treatment or service; (4) the duty to provide for the care, comfort and
8 maintenance of the ward; (5) the duty to take reasonable care of the
9 respondent's personal effects; and (6) the duty to report at least
10 annually to the probate court which appointed the conservator
11 regarding the condition of the respondent. The preceding duties,
12 responsibilities and powers shall be carried out within the limitations
13 of the resources available to the ward, either through [his] the ward's
14 own estate or through private or public assistance.

15 (b) The conservator of the person shall not have the power or

16 authority to cause the respondent to be committed to any institution
17 for the treatment of the mentally ill except under the provisions of
18 sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, 17a-
19 495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-
20 576, inclusive, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-664,
21 inclusive, and chapter 359.

22 (c) (1) If the conservator of the person determines it is necessary to
23 cause the ward to be placed in an institution for long-term care, the
24 conservator may make such placement after the conservator files a
25 report of such intended placement with the probate court that
26 appointed the conservator. The report shall set forth the basis for the
27 conservator's determination, what community resources have been
28 considered to avoid the placement, and the reasons why the ward's
29 physical, mental and psychosocial needs cannot be met in a less
30 restrictive and more integrated setting. Such community resources
31 include, but are not limited to, resources provided by the area agencies
32 on aging, the Department of Social Services, the Office of Protection
33 and Advocacy for Persons with Disabilities, the Department of Mental
34 Health and Addiction Services, the Department of Mental Retardation,
35 any center for independent living, as defined in section 17b-613, or any
36 congregate or subsidized housing. The conservator shall give notice of
37 the placement and a copy of such report to the ward and any other
38 interested parties as determined by the court.

39 (2) Upon the request of the ward or such interested party, the court
40 shall hold a hearing on the report and placement not later than thirty
41 days after the date of the request. The court may also, in its discretion,
42 hold a hearing on the report and placement in any case where no
43 request is made for a hearing. If the court, after such hearing,
44 determines that the ward's physical, mental and psychosocial needs
45 can be met in a less restrictive and more integrated setting within the
46 limitations of the resources available to the ward, either through the
47 ward's own estate or through private or public assistance, the court
48 shall order that the ward be placed and maintained in such setting.

49 (3) For purposes of this subsection, an "institution for long-term
50 care" means a facility that has been federally certified as a skilled
51 nursing facility or intermediate care facility.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	45a-656
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Statement of Purpose:

To require a conservator who places a ward in an institution for long-term care to file a report with the probate court concerning such placement and to provide an opportunity for a hearing on such placement.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]